

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUANE E. WALKER,

Defendant.

8:00CR292

8:05CR361

ORDER

Defendant Duane E. Walker (Walker) appeared before the court on January 17, 2012, on an Amended Petition for Offender Under Supervision (Petition) (Filing No. 67 - 8:00CR292; Filing No. 50 - 8:05CR361. Walker was represented by Beau G. Finley and the United States was represented by Assistant U.S. Attorney Robert C. Sigler. Through his counsel, Walker waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Walker should be held to answer for a combined final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Walker declined to present any evidence on the issue of detention or request a detention hearing. Since it is Walker's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Walker has failed to carry his burden and Walker should be detained pending a combined dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A combined final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on February 23, 2012.** Defendant must be present in person.

2 Defendant Duane E. Walker is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 17th day of January, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge